

Serial No. 09/744,373

Reply to Office Action of December 21, 2004

### REMARKS

Applicant notes with appreciation the well-reasoned final Office Action corresponding to Paper No. 122004. This reply is submitted to be responsive thereto. On entry of this amendment claims 1, 2, 4, 5, 8, 9, 12, 20, 21, 26-30 and 34 are pending in the application. Claims 1, 2, 11, 13-18, 26 and 34 have been amended. Claims 3, 6, 7, 10, 19 and 36-46 have been canceled. The claim amendments are submitted to bring all of the pending claims into condition for allowance in providing claim scope commensurate with enabled subject matter found within the specification. Applicant reserves the right to subsequently secure allowance of claims directed to subject matter not currently being claimed.

Currently, claim 34 stands rejected under 35 U.S.C. §103(a) over Morton et al. (*Immunogenetics*, 1996 43:246-247) in view of Ahern et al. (*The Scientist*, Vol. 9 (15) page 20, July 24, 1995). All of the pending claims currently stand rejected under 35 U.S.C. §112, first paragraph.

#### Remarks Directed to Rejection of Claim 34 Under 35 U.S.C. §103(a)

Morton et al. is cited as teaching FcαRI single nucleotide polymorphisms at codons 187, 192 and 132.

Ahern et al. is cited to bolster the teaching of Morton et al. with respect to a commercial package, reagents and instructions for the use thereof.

Pending claim 34 recites limitations with respect to codon position 248.

As Morton et al. fails to teach a single nucleotide polymorphism associated with codon 248, it is respectfully submitted that the combination of Morton et al. and Ahern et al. fails to yield the claimed invention. Ahern et al. fails to bolster Morton et al. in regard to a single nucleotide polymorphism within codon 248.

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In light of the above amendments and remarks, it is submitted that claim 34 is nonobvious over the prior art combination of Morton et al. and Ahern et al. Reconsideration and withdrawal of the rejection of claim 34 under 35 U.S.C. §103(a) is respectfully requested.

**Remarks Directed to Rejection of All Pending  
Claims Under 35 U.S.C. §112, First Paragraph**

The outstanding Office Action indicates enablement for correlating FcαRI (CD89) intercellular calcium flux, IL-6 release condition or TNFα release concentration as a function of whether a glycine or serine residue is found at position 248 corresponding to nucleotide 844. (Paper No. 122004, page 4, section 2).

As all the pending claims have been amended to have a scope commensurate with enabled subject matter, reconsideration and withdrawal of the rejection as to all the pending claims under 35 U.S.C. §112, first paragraph, is respectfully requested.

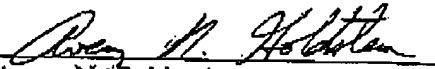
**Summary**

Claims 1, 2, 4, 5, 8, 9, 12, 20, 21, 26-30 and 34 are the claims pending in this application upon entry of this reply. Entry of this reply is respectfully requested in order to place the

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application in condition for allowance. Reconsideration and allowance of the claims and the passing of this application to issue are solicited. Should the Examiner find to the contrary, she is respectfully requested to contact the undersigned attorney to resolve any remaining issues.

Respectfully submitted,

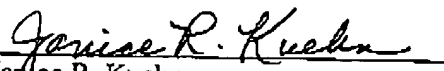
  
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**CERTIFICATE UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being sent to the United States Patent Office via facsimile (703-872-9306) on Feb. 22, 2005.

  
Janice R. Kuehn